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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/688,579

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Alan K. Forsythe

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EXAMINER

JACKSON, ANDRE L

ART UNIT

PAPER NUMBER

3677

DATE MAILED: 06/16/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/688,579	Applicant(s) FORSYTHE, ALAN K.	
	Examiner Andre' L. Jackson	Art Unit 3677	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 March 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-33 are rejected under 35 U.S.C. 102(e) as being anticipated by USPN 6,709,188 to Ushimaru. Ushimaru (Figs. 4 and 5) discloses a knob unit comprising;

a control device (1); an actuation member (20) coupled to the control device and having a first projection (22) with a first engagement surface (22a) and a second projection (22) with a second engagement surface (22a); and a gripping device (25) having a first protrusion (26) with a first interference surface (26a) and a second protrusion (26) with a second interference surface (26a) thereof, wherein the gripping device is adapted to be selectively keyed upon the actuation member in a first orientation or a second orientation by selective interaction of the first projection with the first protrusion or the second projection with the second protrusion, and wherein the gripping device is selectively coupled to the actuation member and is positionable between a locked position, wherein the gripping device is coupled to the actuation member by interference of the first engagement surface with the first interference surface and the second engagement surface with the second interference surface, and an unlocked position, wherein the gripping device is selectively removable from the actuation member.

As to claims 5, 6, 10, 16, 17, 21, 28 and 31, Ushimaru discloses that the knob unit further comprising a plurality of locking members (21c) coupled to the actuation member, each locking member positioned to engage and press against the first and second projections respectively to aid in holding the gripping device in a locked position.

As to claims 7, 18 and 29, Ushimaru discloses sidewall surfaces (L-shaped section) formed at the protrusions of the gripping device, the sidewall surfaces adapted to engage the locking members when the gripping device is in an unlocked position. The sidewall surfaces include an inclined relative to a plane passing through a center axis of the actuation member.

As to claims 8, 11, 19, 22 and 32, Ushimaru discloses a limit stop (24) and an additional limit stop (24a) formed integrally with the actuation member, the first limit stop positioned to engage a first protrusion (27) and the additional limit stop positioned to engage a second protrusion (28) respectively disposed on the gripping device to aid in holding the gripping device in the locked position.

Response to Applicant's Arguments

Applicant's arguments filed in the Amendment of March 23, 2006, with respect to the rejection(s) of claim(s) 1-33 over Ushimaru is found not to be persuasive. In particular, applicant's states Ushimaru fails to teach or suggest a knob assembly that includes a gripping device that is coupled to an actuation member by interference of a first engagement surface of an actuation member with an interference surface (protrusion) of the gripping device as set forth in claims 1 and 13. Here, applicant is reminded that claims are given the broadest reasonable interpretation in light of the specification. Specifically, the phrase "by interference of the first engagement surface with the first interference surface" has been held that a product-by-process

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claim(s) is not construed as being limited to the product formed by the specific process recited.

In re Hirao et al. 535 F2d 67, 190 U.S.P.Q. 15 (CCPA 1976).

Moreover, Ushimaru states in column 9, lines 7-20, that the protrusion(s) **26** of the gripping device **25** is coupled to the actuation member **20** by interference (come into collision) of the engagement surface **22a** of the first projection **22** pressed against the interference surface **26a** of the protrusion of the gripping device. Thus, the Examiner believes the structural limitations, as well as applicant's specific process described above of applicant's claims are anticipated by Ushimaru.

Turning to applicant's remarks that Ushimaru fails to disclose or suggest all of the limitations as set forth in claim 24 is found not to be persuasive. In particular, applicant states Ushimaru fails to disclose or suggest a knob assembly that includes a gripping device coupled to an actuation member by engagement of a first protrusion against a limit stop and engagement of a locking member against the first projection or first protrusion as claimed. Here, again the phrase "by engagement of a first protrusion against a limit stop" has been held as a product-by-process claim(s) and is not construed as being limited to the product formed by the specific process recited. *In re Hirao et al. 535 F2d 67, 190 U.S.P.Q. 15 (CCPA 1976).*

Moreover, Ushimaru discloses an actuation member **20** having a limit stop **23** and first projection **22**; a gripping device **25** having a first protrusion **26**; a locking member **21c** coupled to the actuation member, wherein the gripping device is coupled to the actuation member by engagement of the first protrusion (sidewall surfaces) against the limit stop (or gaps between wall appendages of corresponding adjacent projections), and engagement of the locking member (locking holes) with the first protrusion at **26a**.

Therefore, Ushimaru anticipates the structural limitations, as well as the specific process of applicant's claim 24.

Accordingly, claims 1-33 remain unpatentable over Ushimaru as presently presented.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andre' L. Jackson whose telephone number is (571) 272-7067. The examiner can normally be reached on Mon. - Fri. (9:30 am - 6 pm).


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Judy J. Swann can be reached on (571) 272-7075. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

André L. Jackson
Patent Examiner
AU 3677

ALJ


ROBERT J. SANDY
PRIMARY EXAMINER